

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 8th day of September 2016, at 7:00 P.M., and there were

PRESENT:

DANIEL BEUTLER, MEMBER

JOHN BRUSO, MEMBER

JILL MONACELLI, MEMBER

JAMES PERRY, MEMBER

LAWRENCE PIGNATARO, MEMBER

FRANK SWIGONSKI, MEMBER

RICHARD QUINN, CHAIRMAN

ABSENT:

ALSO PRESENT: DIANE M. TERRNOVA, TOWN CLERK

KEVIN LOFTUS, TOWN ATTORNEY

MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF: RONALD M. LIBERTO

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Ronald Liberto, 46 Stutzman Road, Bowmansville, New York 14026 for one [1] variance for the purpose of establishing a tree removal and fire wood sales yard on premises owned by Paul McAllister at 5891 Genesee Street, Lancaster, New York to wit:

A variance from the requirements of Chapter 50, Zoning, Section 24 B(1) of the Code of the Town of Lancaster. The Use of the proposed business in a Light Industrial (LI) District.

Chapter 50, Zoning, Section 24 B(1) of the Code of the Town of Lancaster limits this Use to a General Industrial (GI) District. The petitioner, therefore, requests a Use variance for the purpose of conducting a tree removal service and fire wood sales yard in a Light Industrial (LI) District.

The Clerk presented and entered into evidence the following items:

- Duly executed petition of the applicant with exhibits and schedules attached thereto.
- Copy of a letter notifying the petitioner of the time and place of this public hearing.
- Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.
- Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Ronald Liberto, Petitioner	Proponent
Robert Thill	Comments

IN THE MATTER OF THE PETITION OF RONALD M. LIBERTO

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. QUINN WHO MOVED ITS
ADOPTION, SECONDED BY MR. PERRY
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Ronald M. Liberto and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8th day of September 2016, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the purchaser of property subject to variance grant.

WHEREAS, the property for which the applicant is petitioning is within a Light Industrial District, (LI) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the petitioner has not shown competent financial evidence that he can not realize a reasonable return.

That the allege hardship is not unique.

That the requested variance can alter the essential character of the neighborhood.

That the alleged hardship has been self-created. The petitioner can look for a property within the correct zoning.

That the petitioner failed to carry the burden of establishing the strict compliance with the Zoning Ordinance would cause practical difficulties rendering the property unusable.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby **CONSIDERED**.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. BEUTLER	VOTED	NO
MR. BRUSO	VOTED	NO
MS. MONACELLI	VOTED	NO
MR. PERRY	VOTED	NO
MR. PIGNATARO	VOTED	NO
MR. SWIGONSKI	VOTED	NO
MR. QUINN	VOTED	NO

The resolution granting the variance was thereupon **DENIED**.

September 8, 2016

PETITION OF: NOCO EXPRESS PROPERTIES, LLC.

The 2nd case considered by the zoning board of appeals was that of the petition of NOCO Express Properties, LLC, 2440 Sheridan Drive, Tonawanda, New York, 14150 for one variance for the purpose of installing an exterior cooler/freezer unit on premises located at 3620 Walden Avenue, Lancaster, New York. Said property is owned by NOCO Energy Corp., located at 2440 Sheridan Drive, Tonawanda, New York; to wit:

A variance from the requirements of Chapter 50, Zoning, Section 19 C(3) of the Code of the Town of Lancaster. The proposed location of the exterior cooler/freezer unit would result in a 7.78 foot side yard measurement to the North side of the building.

Chapter 50, Zoning, Section 19 C(3) of the Code of the Town of Lancaster requires a fifty [50'] foot north side yard setback. The petitioner, therefore, requests a 42.22 foot north side yard setback to a residential district.

The Clerk presented and entered into evidence the following items:

- Duly executed petition of the applicant with exhibits and schedules attached thereto.
- Copy of a letter notifying the petitioner of the time and place of this public hearing.
- Copy of a letter notifying owner of property within 100 feet of requested variance of the time and place of this public hearing.
- Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Sean Hopkins, Esq., Representing Petitioner	Proponent
Al Fuller, NOCO Express Properties, LLC, Petitioner	Proponent
Bill Porebski	Questions/Comments

IN THE MATTER OF THE PETITION OF NOCO EXPRESS PROPERTIES, LLC.

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. BEUTLER WHO MOVED ITS
ADOPTION, SECONDED BY MR. PIGNATARO
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of NOCO Express Properties, LLC. and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8th day of September 2016, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the present owner of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within a Neighborhood Business District, (NB) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby **GRANTED**-subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- Fencing to the North side will be addressed.
- The conditions of the rat traps will be addressed within 30 days.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR. BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

September 8, 2016

PETITION OF: THOMAS FITZPATRICK

THE 3rd CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Thomas Fitzpatrick, 684 Ransom Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a garage after an existing garage is demolished, on premises owned by the petitioner at 684 Ransom Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 9D(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is 1,200 square feet.

Chapter 50, Zoning, Section 9D (4) of the Code of the Town of Lancaster limits the area of an accessory structure to seven hundred fifty (750) square feet. The petitioner, therefore, requests a four hundred fifty (450) square foot accessory use area variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Thomas Fitzpatrick, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF THOMAS FITZPATRICK

THE FOLLOWING RESOLUTION WAS OFFERED
BY MS. MONACELLI WHO MOVED ITS
ADOPTION, SECONDED BY MR. PIGNATARO
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Thomas Fitzpatrick and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8th day of September 2016, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the present owner of the premises in question.

WHEREAS, the property for which the applicant is petitioning is within a Agricultural Residential District, (A-R) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED**-subject to the following condition which in the opinion of this board is an appropriate condition to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- The garage will be the same color scheme as the house.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR. BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

September 8, 2016

PETITION OF: PAUL STRADA/NAS SIGN COMPANY

THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Paul Strada/NAS Sign Company, 1628 Elmwood Ave, Buffalo, New York 14207 for one [1] variance for the purpose of erecting a ground sign on premises owned by Bushra Iqbal at 6337 Transit Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster to permit a sign height of eight [8'] feet, two inches (2") over finished grade.

Chapter 50, Zoning, Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster limits the height of a ground sign to four [4'] feet above finished grade. The petitioner, therefore, requests a four [4'] foot, two inch (2") ground sign height variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

Copy of a letter notifying the Village of Depew of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Paul Fadale, NAS Sign Company, Representing Petitioner

Proponent

IN THE MATTER OF THE PETITION OF PAUL STRADA/NAS SIGN COMPANY

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. PIGNATARO WHO MOVED ITS
ADOPTION, SECONDED BY MR. BRUSO
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Paul Strada/ NAS Sign Company and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8th day of September 2016, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, duly authorized agent of the property owner (or purchaser).

WHEREAS, the property for which the applicants are petitioning is within a General Business District, (GB) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self- created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED**-subject to the following condition which in the opinion of this board is an appropriate condition to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- That a document which states that the petitioner will adhere to the requirements of the Town Code will be signed, notarized and filed with the Town Clerk and Building Inspector.

The question of the adoption of the foregoing resolution was duly put to vote on roll call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR. BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

September 8, 2016.

PETITION OF: THOMAS KELKENBERG

THE 5TH CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Thomas Kelkenberg, 9300 County Road, Building E-1, Clarence Center, New York 14032 for one [1] variance for the purpose of constructing a pole barn on premises owned by Michael Fontana, at 220 Schwartz Road, Lancaster, New York to wit:

A variance from the requirements of Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is 1,440 square feet.

Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster limits the area of an accessory structure to seven hundred fifty (750) square feet. The petitioner, therefore, requests a six hundred ninety (690) square foot accessory use area variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Thomas Klekenberg, Representing Petitioner	Proponent
Earl Herrington	Proponent

IN THE MATTER OF THE PETITION OF: THOMAS KELKENBERG

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. SWIGONSKI WHO MOVED ITS
ADOPTION, SECONDED BY MR. PERRY
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Thomas Kelkenberg and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8th day of September 2016, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the duly authorized agent of the property owner.

WHEREAS, the property for which the applicant is petitioning is within a Agricultural Residential District, (A-R) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has stated that the proposed action has been reviewed and determined to be of local concern therefore, no recommendation was made.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant(s) if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is
hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

MR. BEUTLER	VOTED	YES
MR. BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

September 8, 2016.

PETITION OF: KIM/SCOTT SUROVICH

THE 6th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of The petition of Kim and Scott Surovich, 16 Middlebury Lane, Lancaster, New York 14086 for three [3] variances for the purpose of erecting a six [6] foot high fence in a required open space area, constructing a shed in a non-permitted required front yard and constructing a shed eight [8] feet from a property line on the existing premises owned by the petitioner at 16 Middlebury Lane, Lancaster, New York, to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Middlebury Lane with an exterior side yard [considered a front yard equivalent] also fronting on Middlebury Lane. The petitioners propose to erect a six [6] foot high fence within the required open space area of the exterior side yard.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard or an exterior side yard [considered a front yard equivalent] to three [3] feet in height. The petitioners, therefore, request a three [3] foot fence height variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 17A(3) of the Code of the Town of Lancaster. The petitioners propose to locate the shed inside a required front yard along Middlebury Lane.

Chapter 50, Zoning, Section 17A.(3) of the Code of the Town of Lancaster stipulates that no accessory structure shall project into a front yard. The petitioners, therefore, request a variance to permit the shed to be constructed within the required front yard along Middlebury Lane.

- C. A variance from the requirements of Chapter 50, Zoning, Section 10C.(3)(a) of the Code of the Town of Lancaster. The shed installation would result in a front yard set back of twenty seven [27] feet from the front property line.

Chapter 50, Zoning, Section 10C.(3)(a) of the Code of the Town of Lancaster requires a thirty five [35] foot front yard set back. The petitioners, therefore, request an eight [8] foot front yard set back variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Scott Surovich, Petitioner

Proponent

IN THE MATTER OF THE PETITION OF KIM/SCOTT SUROVICH

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. PERRY WHO MOVED ITS
ADOPTION, SECONDED BY MR. BEUTLER
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Kim and Scott Surovich and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8th day of September 2016, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within an Agricultural Residential District, (A-R) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self- created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

That such fence will not unduly shut out light or air to adjoining properties.

That such fence will not create a fire hazard by reason of its construction or location.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is
hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a vote on roll
call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR. BRUSO	VOTED	NO
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

September 8, 2016.

PETITION OF: JOHN SEBASTIANO OF M.F. SEBASTIANO & SONS

THE 7th case considered by the ZONING Board of Appeals was that of the petition of The petition of John Sebastiano of M.F. Sebastiano & Sons, 135 Gunville Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a covered roofed porch to the dwelling on premises owned by Jim and Carol Wagner at 5 Rose Street, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 10C.(3)(a) of the Code of the Town of Lancaster. The proposed roofed porch would result in a front yard set back of 31.3 feet.

Chapter 50, Zoning, Section 10C.(3)(a) of the Code of the Town of Lancaster requires a thirty five [35] foot front yard set back. The petitioners, therefore, request a 3.7' front yard set back variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

John Sebastiano, M.F. Sebastiano & Sons, Representing Petitioners Proponent

**IN THE MATTER OF THE PETITION OF JOHN SEBASTIANO OF
M.F. SEBASTIANO & SONS**

THE FOLLOWING RESOLUTION WAS OFFERED
BY MS. MONACELLI WHO MOVED ITS
ADOPTION, SECONDED BY MR. PERRY
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of John and Carol Wagner and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8th day of September 2016, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicants are the present owners of the premises in question.

WHEREAS, the property for which the applicants are petitioning is within Residential District 1, (R-1) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self-created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is
hereby **GRANTED**.

The question of the adoption of the foregoing resolution was duly put to a vote on roll
call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR. BRUSO	VOTED	YES
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SWIGONSKI	VOTED	YES
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED**.

September 8, 2016.

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at
8:38 P.M.

Signed _____
Diane M. Terranova, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: September 8, 2016